

AMENDED IN SENATE APRIL 22, 2014

AMENDED IN SENATE APRIL 2, 2014

SENATE BILL

No. 837

**Introduced by Senators Steinberg, Beall, Block, De León,
DeSaulnier, Hancock, Hill, Lara, Leno, Liu, and Wolk**
(Coauthor: Assembly Member Bonta)

January 6, 2014

An act to amend Sections 14022.3, 46300, 48000, and 60200 of, and to add Article 1.5 (commencing with Section 48005) to Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to transitional kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, as amended, Steinberg. Schools: transitional kindergarten.

Existing law authorizes a school district or charter school to maintain a transitional kindergarten program, and, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, requires the school district or charter school to comply with specified minimum age requirements for pupils participating in the transitional kindergarten program. Existing law also specifies that a transitional kindergarten program shall not be construed as a new program or higher level of service.

This bill, the Kindergarten Readiness Act of 2014, would instead require each school district or charter school that offers kindergarten to offer transitional kindergarten, and would require a child that meets specified minimum age requirements to be admitted to transitional kindergarten. The bill would authorize the average daily attendance of a school district and charter school to include the average daily attendance of pupils enrolled in transitional kindergarten and would

require transitional kindergarten to receive a per pupil base grant for apportionment purposes, as specified. The bill would require transitional kindergarten to be taught by teachers and paraprofessionals who meet certain requirements, and would require transitional kindergarten to include specified elements that promote integration and alignment with the early learning and child care system and the elementary education system. The bill would require a school district or charter school offering transitional kindergarten to provide public notice of the availability of transitional kindergarten and to administer transitional kindergarten, as specified. The bill would authorize a school district or charter school administering transitional kindergarten to contract with a public local agency or private local provider, or both, to participate in the delivery of transitional kindergarten. The bill would require a private local provider participating in the delivery of transitional kindergarten to be considered a public school employer, as defined, for certain purposes. The bill would require the State Board of Education to adopt basic instructional materials for use in transitional kindergarten commencing with the 2015–16 school year, as specified. By requiring school districts and charter schools that offer kindergarten to offer transitional kindergarten, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Kindergarten Readiness Act of 2014.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) Recent reforms such as implementation of the common core
- 6 state standards and the local control funding formula establish
- 7 increased quality and greater equity in California’s public education
- 8 system.

1 (2) However, these reforms do not address the reality that an
2 achievement gap among children is present well before children
3 first step through the kindergarten classroom door.

4 (3) Recent research shows that by two years of age, low-income
5 children are six months behind in language development relative
6 to their higher income peers, and that by five years of age,
7 low-income children are more than two years behind their higher
8 income peers in language development.

9 (4) Research also shows that California children with the largest
10 gaps in school readiness and achievement are the least likely to
11 participate in any preschool and the least likely to attend
12 high-quality preschool programs.

13 (5) In 2012, only ~~half~~ *one-half* of California's low-income
14 preschool-age children had access to existing state preschool
15 programs or federal Head Start programs, and only one-quarter of
16 all children were provided with transitional kindergarten.

17 (6) Children who do not read proficiently by the end of third
18 grade are four times less likely to graduate from high school on
19 time.

20 (7) Only 48 percent of California's third graders tests proficient
21 or better in English language arts in 2012.

22 (8) Nationally, more than 100 studies have shown that
23 high-quality preschool significantly improves a child's school
24 readiness and school performance.

25 (9) Numerous longitudinal studies have shown that high-quality
26 prekindergarten programs decrease grade retention and special
27 education placements and increase high school graduation rates,
28 college enrollment rates, and earnings in adulthood. High-quality
29 prekindergarten programs also decrease taxpayer costs for criminal
30 justice and welfare.

31 (10) If California were to invest in high-quality prekindergarten
32 programs, the savings in the prison system alone are estimated to
33 reach \$1.1 billion per year due to reducing the prison population
34 by 13,000 prisoners.

35 (b) It is the intent of the Legislature to strategically use state
36 and federal funds to provide a stable, comprehensive, and
37 adequately funded early learning and educational support system
38 for children from birth to five years of age that promotes access
39 to safe, high-quality, part-day and full-day services that support
40 the development of the whole child, especially for the children

- 1 who need it most, and that includes, but is not limited to, all of the
2 following:
- 3 (1) Support for positive parent-child relationships and responsive
4 caregiving.
 - 5 (2) Promotion of language rich environments, including at home.
 - 6 (3) Developmentally appropriate curriculum with differentiated
7 instruction.
 - 8 (4) Knowledgeable, caring, and well-trained educators, staff,
9 and providers.
 - 10 (5) Program activities and services that are age-appropriate and
11 meet the developmental needs of each child, including special
12 needs children.
 - 13 (6) Promotion of healthy practices and activities.
 - 14 (7) An educationally enriched environment that respects and
15 supports cultural, linguistic, and ability diversity.
 - 16 (8) A physical environment that is safe and appropriate to the
17 ages and developmental needs of the children served.
 - 18 (9) Provision for the nutritional needs and physical activity of
19 children.
 - 20 (10) Access for low-income infants, toddlers, and preschoolers
21 to high-quality early learning and care.
 - 22 (11) Access for all four-year-old children to a voluntary,
23 high-quality transitional kindergarten program one year before
24 enrolling in kindergarten.
 - 25 (12) Support services for children and families that include
26 referral of children to appropriate agencies including, but not
27 limited to, any of the following:
 - 28 (A) Health care services.
 - 29 (B) Social services that include, but are not limited to, child
30 abuse prevention, identification of child and family needs, and
31 referral to appropriate agencies.
 - 32 (C) Early childhood mental health services that include, but are
33 not limited to, primary prevention, crisis intervention, assessments,
34 and referrals.
 - 35 (D) Family support services, parenting education, and family
36 and community engagement.
 - 37 (E) Counseling, including, but not limited to, family counseling.
 - 38 (F) Nutrition services.

1 (13) Interagency coordination and collaboration among the
2 agencies responsible for the provision of support services to
3 children and their families.

4 (c) It is further the intent of the Legislature to ensure that the
5 expansion of transitional kindergarten does not adversely impact
6 access to early care and education opportunities for infants and
7 toddlers.

8 SEC. 3. Section 14022.3 of the Education Code is amended to
9 read:

10 14022.3. (a) For purposes of calculating “increases in
11 enrollment” pursuant to paragraph (2) or (3) of subdivision (b) of
12 Section 8 of Article XVI of the California Constitution, the term
13 “enrollment” for school districts, community college districts, and
14 state agencies providing direct elementary and secondary level
15 instructional services means the sum of the following:

16 (1) Second principal apportionment regular average daily
17 attendance for transitional kindergarten, kindergarten, and grades
18 1 to 12, inclusive, as defined in subdivision (b) of Section 42238.5,
19 and as adjusted for any average daily attendance audit findings.

20 (2) Annual average daily attendance for county offices of
21 education, as calculated pursuant to subdivision (c) of Section
22 41601, and as adjusted for any average daily attendance audit
23 findings.

24 (b) Any determination or computation of enrollment for purposes
25 of this section shall be based upon actual data from prior years.
26 For the next succeeding year, any determination or computation
27 of enrollment for purposes of this section shall be the estimated
28 enrollment, adjusted as actual data become available.

29 SEC. 4. Section 46300 of the Education Code is amended to
30 read:

31 46300. (a) In computing average daily attendance of a school
32 district or county office of education, there shall be included the
33 attendance of pupils while engaged in educational activities
34 required of those pupils and under the immediate supervision and
35 control of an employee of the school district or county office of
36 education who possesses a valid certification document, registered
37 as required by law.

38 (b) (1) For purposes of a work experience education program
39 in a secondary school that meets the standards of the California
40 State Plan for Career Technical Education, “immediate

supervision,” in the context of off-campus work training stations, means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

(2) The pupil-teacher ratio in a work experience program shall not exceed 125 pupils per full-time equivalent certificated teacher coordinator. This ratio may be waived by the state board pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 under criteria developed by the state board.

(3) A pupil enrolled in a work experience program shall not be credited with more than one day of attendance per calendar day, and shall be a full-time pupil enrolled in regular classes that meet the requirements of Section 46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or programs described in Section 48917 that require immediate supervision, “immediate supervision” means that the person to whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the school district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum schoolday, pursuant to regulations adopted by the state board; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for a pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is 180.

(4) Notwithstanding any other law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for five or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative career technical education programs and community classrooms described in Section 52372.1, “immediate supervision” means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences.

(g) (1) In computing the average daily attendance of a school district or charter school, there shall be included the attendance of a pupil in kindergarten after he or she has completed one school year in kindergarten or a pupil in a transitional kindergarten program after he or she has completed one year in that program if either of the following conditions is met:

(A) The school district or charter school has on file for each kindergarten pupil an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil’s parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.

(B) The pupil participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.

(2) A school district or charter school may not include for apportionment purposes the attendance of any pupil for more than two years in kindergarten.

(3) For purposes of transitional kindergarten operated by a private local provider pursuant to paragraph (2) of subdivision (a) of Section 48005.15, “immediate supervision” means *being a pupil who is* under the immediate supervision of an employee of the private local provider who satisfies the requirements of Section 48005.30.

SEC. 5. Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten administered by the school district or charter school at the beginning of a school year, or at a later time in the same year, if the child will have his or her fifth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

(b) A child shall be admitted to a transitional kindergarten administered by the school district or charter school at the beginning of a school year, or at a later time in the same year, if the child will have his or her fifth birthday between the following dates:

(1) September 2, 2014, to December 2, 2014, inclusive, for the 2014–15 school year.

(2) September 2, 2015, to February 1, 2016, inclusive, for the 2015–16 school year.

(3) September 2, 2016, to April 1, 2017, inclusive, for the 2016–17 school year.

(4) September 2, 2017, to June 1, 2018, inclusive, for the 2017–18 school year.

(5) September 2, 2018, to August 2, 2019, inclusive, for the 2018–19 school year.

(c) A child shall be admitted to a transitional kindergarten administered by the school district or charter school at the beginning of a school year, or at a later time in the same year, if the child will have his or her fourth birthday on or before September 1 of the 2019–20 school year and each school year thereafter.

(d) The governing board of a school district or the governing body of a charter school administering one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

1 (1) The governing board of the school district or the governing
2 body of the charter school determines that the admittance is in the
3 best interests of the child.

4 (2) The parent or guardian is given information regarding the
5 advantages and disadvantages and any other explanatory
6 information about the effect of this early admittance.

7 (e) For purposes of this section, “transitional kindergarten”
8 means a school-year long kindergarten readiness grade level that
9 is age and developmentally appropriate for a child who will be
10 four years old on or before September 1 of the year in which he
11 or she enrolls in transitional kindergarten.

12 SEC. 6. Article 1.5 (commencing with Section 48005) is added
13 to Chapter 1 of Part 27 of Division 4 of Title 2 of the Education
14 Code, to read:

15
16 Article 1.5. Kindergarten Readiness Act of 2014
17

18 48005. Transitional kindergarten is hereby established to do
19 all of the following:

20 (a) Support all children in developing the skills needed to build
21 a strong foundation for success in school and life. These skills
22 shall be based on developmental domains outlined in the California
23 Preschool Learning Foundations developed by the department,
24 and shall include, but not be limited to, all of the following:

25 (1) Cognitive skills such as language, early literacy, and
26 numeracy.

27 (2) Social-emotional skills such as perseverance, self-control,
28 self-esteem, motivation, and conscientiousness.

29 (3) Physical skills such as gross and fine motor development,
30 and healthy eating habits.

31 (b) Be age and developmentally appropriate.

32 (c) Build on high-quality early learning and child care programs,
33 including federal Head Start programs, to sustain and support the
34 cognitive, social-emotional, and physical development that children
35 achieve while attending prekindergarten programs.

36 48005.05. (a) A school district or charter school that offers
37 kindergarten shall make transitional kindergarten available to all
38 eligible children and shall allow, to the greatest extent possible, a
39 parent of an eligible child to choose the transitional kindergarten
40 that the eligible child attends.

(b) On or before July 1, 2015, each county superintendent of schools shall conduct a review of the level of access to transitional kindergarten, state preschool, and federal Head Start provided to eligible children within the county. The review shall include, but is not *be* limited to, a description of the plans of the school districts and charter schools in the county that offer kindergarten to make transitional kindergarten available to all eligible children by the 2019–20 school year. The county superintendent of schools shall post the results of the review on its Internet Web site.

(c) To encourage the efficient use of existing facilities, transitional kindergarten may be operated using available classroom space at a public schoolsite meeting kindergarten classroom requirements, or at any public or private facility that has a child care license for age-eligible children, as defined in Division 12 of Title 22 of the California Code of Regulations.

48005.10. (a) Federal funding for preschool programs, and state funding annually appropriated in the Budget Act for the support of state preschool programs, shall be used to provide services for eligible three-, four-, and five-year-old children, including, but not limited to, augmenting transitional kindergarten to provide full-day, full-year learning and child care services for participants.

(b) Transitional kindergarten funds shall supplement, and not supplant, federal and state funding for existing child care and development programs.

48005.15. (a) A school district or charter school administering transitional kindergarten shall do both of the following:

(1) Provide public notice of the availability of transitional kindergarten using a variety of strategies to reach and inform families living in areas of poverty or high linguistic diversity, including, but not limited to, providing information through schoolsite councils, school advisory groups, community organizations, and parent meetings.

(2) Administer the program for participating children. A school district or charter school administering transitional kindergarten may contract with a public local agency, including, but not limited to, a county office of education, or a private local provider, or both, to participate in the delivery of transitional kindergarten consistent with the statutory requirements of transitional kindergarten.

(b) (1) It is the intent of the Legislature that a school district or charter school administering transitional kindergarten provide high-quality professional learning to the staff of the school district, charter school, public local agency, or private local provider providing transitional kindergarten that is aligned to transitional kindergarten standards adopted by the state board and designed to improve child learning and development. It is further the intent of the Legislature that professional learning for transitional kindergarten teachers and paraprofessionals supports both of the following:

(A) Teacher-child interactions that promote child engagement and learning.

(B) The use of child-level and class-level data to inform instructional strategies.

(2) Professional learning for transitional kindergarten teachers and paraprofessionals shall be aligned with the professional learning provided to teachers and administrative staff in kindergarten and grades 1 to 3, inclusive, and professional learning provided to preschool teachers and staff that may include, but is not limited to, the California Early Childhood Education ~~Education~~ *Educator* Competencies developed by the department.

48005.20. Transitional kindergarten shall include all of the following elements to promote integration and alignment with the early learning and child care system and the elementary education system:

(a) Until statewide transitional kindergarten standards are adopted, use of the research-based age and developmentally appropriate California Preschool Learning Foundations developed by the department.

(b) Use and implementation of curriculum frameworks, instructional materials, and developmental assessment tools that are aligned with the California Preschool Learning Foundations.

(c) Inclusion in the single school plan for pupil achievement and the local control and accountability plan.

(d) Participation in the California Longitudinal Pupil Achievement Data System and the California School Information Services.

(e) Coordination with other providers of services to young children, including, but not limited to, providers of health insurance, health services, including mental and behavioral health,

1 developmental screening and assessment, parent literacy and
2 education, and social services, especially through systems of care
3 provided by First 5 California programs, preschool, and school
4 health services and clinics.

5 (f) Coordination of services with full-day, full-year early
6 learning and child care programs.

7 48005.25. (a) On or before July 31, 2016, the Superintendent
8 shall develop, as necessary, the regulations needed to implement
9 this article and transitional kindergarten for adoption by the state
10 board. The regulations shall incorporate existing regulations and
11 guidelines, as appropriate. The state board may adopt emergency
12 regulations for purposes of this subdivision, and the adoption of
13 emergency regulations by the state board pursuant to this
14 subdivision shall be deemed necessary for the immediate
15 preservation of the public peace, health and safety, or general
16 welfare.

17 (b) On or before January 30, 2016, the ~~Superintendent~~
18 *Instructional Quality Commission* shall develop, and the state
19 board shall adopt, transitional kindergarten standards that include,
20 but are not limited to, the nine developmental domains that are
21 included in the California Preschool Learning Foundations
22 developed by the department.

23 (c) After adopting the transitional kindergarten standards
24 pursuant to subdivision (b), the ~~state board~~ *Instructional Quality*
25 *Commission* shall review the curriculum frameworks in English
26 language arts, including English language development,
27 mathematics, science, and history-social science for conformity
28 with the transitional kindergarten standards. On or before January
29 30, 2017, the ~~state board~~ *Instructional Quality Commission* shall
30 modify the curriculum frameworks, if appropriate, to align them
31 with the transitional kindergarten standards and ensure that the
32 transitional kindergarten standards are integrated into the
33 curriculum frameworks.

34 (d) During the next revision of the appropriate subject matter
35 curriculum frameworks for subject areas not described in
36 subdivision (c), the ~~state board~~ *Instructional Quality Commission*
37 shall modify those subject matter curriculum frameworks, if
38 appropriate, to align them with the transitional kindergarten
39 standards and ensure that the transitional kindergarten standards
40 are integrated into the subject matter curriculum frameworks.

1 (e) Notwithstanding Section 60200, the state board may adopt
2 instructional materials aligned with the transitional kindergarten
3 standards in English language arts, including English language
4 development, mathematics, science, and history-social science on
5 or before September 30, 2017.

6 (f) On or before January 31, 2017, the state board shall revise
7 the local control and accountability plan template, adopted pursuant
8 to Section 52064, to include any changes necessary to reflect the
9 provision of high-quality transitional kindergarten to all eligible
10 children.

11 48005.30. (a) (1) On or before July 1, 2015, all transitional
12 kindergarten classes shall be taught by a teacher who possesses a
13 permit or credential issued by the Commission on Teacher
14 Credentialing, including, but not limited to, one of the following:

15 (A) A teacher permit, or higher, authorizing service in the care,
16 development, and instruction of children in child care development
17 programs. Teachers qualifying pursuant to this paragraph shall
18 have a professional learning plan that provides for a baccalaureate
19 degree with at least 24 units in early childhood education, or child
20 development, or a combination of both, and a multiple subject
21 credential, pursuant to subparagraph (B), on or before July 1, 2019.

22 (B) A multiple subject credential with an authorization to teach
23 prekindergarten to grade 12, inclusive, in a self-contained
24 classroom.

25 (C) An elementary credential.

26 (D) A single subject credential in home economics.

27 (2) A teacher qualifying under subparagraphs (B) to (D),
28 inclusive, of paragraph (1) shall have a professional learning plan
29 that provides for at least 24 units in early childhood education, or
30 child development, or a combination of both, on or before July 1,
31 2019.

32 (b) On or before July 1, 2019, all transitional kindergarten
33 classes shall be taught by a teacher who holds a baccalaureate
34 degree with at least 24 units in early childhood education, or child
35 development, or a combination of both, and a teaching credential.

36 (c) On or before July 1, 2015, all transitional kindergarten
37 classes shall include a paraprofessional who possesses an assistant
38 permit, or higher, issued by the Commission on Teacher
39 Credentialing, authorizing service in the care, development, and
40 instruction of children in child care development programs.

1 Paraprofessionals qualifying pursuant to this paragraph shall have
2 a professional learning plan that provides for a teacher permit
3 issued by the Commission on Teacher Credentialing, on or before
4 July 1, 2019.

5 (d) On or before July 1, 2019, all transitional kindergarten
6 paraprofessionals shall have a teacher permit issued by the
7 Commission on Teacher Credentialing with at least 24 units in
8 early childhood education, or child development, or a combination
9 of both.

10 (e) All transitional kindergarten paraprofessionals shall be
11 considered classified employees, except for child development
12 personnel who are part of a certificated bargaining unit on January
13 1, 2015.

14 (f) (1) Commencing with the 2015–16 school year, for purposes
15 of compensation, including salary and benefits, transitional
16 kindergarten teachers and paraprofessionals be considered full-time
17 employees.

18 (2) The provisions of paragraph (1) shall not apply to a
19 collectively bargained agreement entered into on or before
20 December 30, 2014.

21 (3) Notwithstanding paragraph (1), if authorized by a
22 collectively bargained agreement, a school district or charter school
23 may use part-time transitional kindergarten teachers and part-time
24 transitional kindergarten paraprofessionals.

25 (g) Commencing with the 2015–16 school year, transitional
26 kindergarten shall be taught by at least one teacher and one
27 paraprofessional, and class size shall be limited to no more than
28 20 children.

29 48005.35. On or before July 1, 2015, the Commission on
30 Teacher Credentialing, in collaboration with the Superintendent,
31 the California Community Colleges, the California State
32 University, private postsecondary educational institutions, and the
33 University of California, if it chooses to participate, shall establish
34 a workforce development plan for transitional kindergarten teachers
35 and paraprofessionals, and the administrators who supervise them,
36 that recommends the steps necessary to provide adequate
37 opportunities for existing early childhood educators to obtain the
38 necessary qualifications on or before July 1, 2019.

1 48005.40. (a) Transitional kindergarten operated by a school
2 district or a charter school shall be eligible for school facilities
3 funding.

4 (b) Funds made available to public schools for joint use facilities
5 may be used for transitional kindergarten.

6 (c) Public local agencies or private local providers, or both,
7 participating in the delivery of transitional kindergarten are
8 encouraged to seek shared use agreements with a broad array of
9 public and private entities.

10 (d) It is the intent of the Legislature that any future statewide
11 public education facilities bond act placed before the voters include
12 bonds to provide aid to school districts and charter schools to
13 construct and modernize public school-based facilities for
14 transitional kindergarten.

15 48005.45. Commencing with the 2015–16 school year,
16 transitional kindergarten shall receive a per pupil base grant per
17 unit of average daily attendance equal to two-thirds of the annual
18 per pupil base grant provided for in subparagraph (A) of paragraph
19 (1) of subdivision (d) of Section 42238.02, as adjusted for inflation
20 pursuant to paragraph (2) of subdivision (d) of Section 42238.02,
21 plus an additional adjustment of 10.4 percent, and a supplemental
22 grant add-on, as computed pursuant to subdivision (e) of Section
23 42238.02.

24 48005.50. For purposes of establishing collective bargaining
25 rights for employees of a private local provider of transitional
26 kindergarten pursuant to the terms of an agreement with the
27 administering school district or charter school, as a condition of
28 the receipt of funds, the private local provider shall be considered
29 a public school employer, as defined in subdivision (k) of Section
30 3540.1 of the Government Code, and Chapter 10.7 (commencing
31 with Section 3540) of Division 4 of Title 1 of the Government
32 Code, shall apply to the private local provider.

33 48005.55. (a) A school district or charter school may contract
34 with a public local agency or a private local provider, or both, to
35 provide transitional kindergarten services to age-eligible children
36 if both of the following conditions are satisfied:

37 (1) The school district or charter school is responsible for
38 oversight and administration of the transitional kindergarten
39 program in the same manner as if the transitional kindergarten
40 program were located on a schoolsite of the school district or

1 charter school. The school district or charter school shall have
2 mechanisms and controls in place that ensure that the transitional
3 kindergarten program adheres to all requirements that apply to
4 transitional kindergarten—~~students~~ *children* including, but not
5 limited to, the requirements of this article.

6 (2) Transitional kindergarten services provided by a public local
7 agency or a private local provider shall be under the exclusive
8 management and control of the governing board of the school
9 district, or governing body of the charter school, that administers
10 the contract.

11 (b) For purposes of subdivision (g) of Section 46300, Section
12 48000, and this article, “private local provider” means a licensed
13 child care provider, business, city, county, or city and county that
14 satisfies the requirements for transitional kindergarten, including,
15 but not limited to, the requirements of this article.

16 (c) For purposes of subdivision (g) of Section 46300, Section
17 48000, and this article, “public facility” or “private facility” means
18 a public or private facility that either has a child care license for
19 age-eligible children, as defined in Division 12 of Title 22 of the
20 California Code of Regulations or is exempt from licensure, as
21 described in Section 101158 of Title 22 of the California Code of
22 Regulations.

23 SEC. 7. Section 60200 of the Education Code is amended to
24 read:

25 60200. The state board shall adopt basic instructional materials
26 for use in transitional kindergarten, kindergarten, and grades 1 to
27 8, inclusive, for governing boards, subject to the following
28 provisions:

29 (a) The state board shall adopt at least five basic instructional
30 materials for all applicable grade levels in each of the following
31 subject areas:

32 (1) Language arts, including, but not limited to, spelling, reading,
33 and English language development. The state board may not adopt
34 basic instructional materials in this subject area or the subject area
35 specified by paragraph (2) in the year succeeding the year in which
36 the state board adopts basic instructional materials in this subject
37 area for the same grade level.

38 (2) Mathematics. The state board may not adopt basic
39 instructional materials in this subject area or the subject area
40 specified by paragraph (1) in the year succeeding the year in which

1 the state board adopts basic instructional materials in this subject
2 area for the same grade level.

3 (3) Science.

4 (4) Social science.

5 (5) Bilingual or bicultural subjects.

6 (6) Any other subject, discipline, or interdisciplinary areas for
7 which the state board determines the adoption of instructional
8 materials to be necessary or desirable.

9 (b) The state board shall adopt procedures for the submission
10 of basic instructional materials in order to comply with each of
11 the following:

12 (1) Instructional materials may be submitted for adoption in any
13 of the subject areas pursuant to paragraphs (1) to (6), inclusive, of
14 subdivision (a) every eight years. The state board shall ensure that
15 curriculum frameworks are reviewed and adopted in each subject
16 area and that the criteria for evaluating instructional materials
17 developed pursuant to subdivision (b) of Section 60204 are
18 consistent with subdivision (c). The state board may prescribe
19 reasonable conditions to restrict the resubmission of materials that
20 have been previously rejected if those resubmitted materials have
21 no substantive changes.

22 (2) If a publisher or manufacturer submits revisions to currently
23 adopted instructional ~~material~~ *materials* for review after the
24 timeframe specified by the state board, the department shall assess
25 a fee on the submitting publisher or manufacturer in an amount
26 that shall not exceed the reasonable costs to the department to
27 conduct a review of the instructional ~~material~~ *materials* pursuant
28 to this section.

29 (3) Submitted instructional materials shall be adopted or rejected
30 within six months of the submission date of the materials pursuant
31 to paragraph (1) unless the state board determines that a longer
32 period of time, not to exceed an additional three months, is
33 necessary due to the estimated volume or complexity of the
34 materials for that subject in that year, or due to other circumstances
35 beyond the reasonable control of the state board.

36 (4) The process for review of instructional materials shall
37 involve review committees, which shall include, but not be limited
38 to, volunteer content experts and instructional material reviewers,
39 and shall be composed of a majority of classroom teachers from
40 a wide variety of affected grade levels and subject areas.

(5) The rules and procedures for adoption of instructional materials shall be transparent and consistently applicable regardless of the format of the instructional materials, which may include, but not be limited to, print, digital, and open-source instructional materials.

(c) In reviewing and adopting or recommending for adoption submitted basic instructional materials, the state board shall use the following criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the following criteria:

(1) Are consistent with the criteria and the standards of quality prescribed in the state board's adopted curriculum framework. In making this determination, the state board shall consider both the framework and the submitted instructional materials as a whole.

(2) Comply with the requirements of Sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state board's guidelines for social content.

(3) Are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

(4) Are aligned to the content standards adopted by the state board in the subject area and the grade level or levels for which they are submitted.

(5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the state board determines that the use of the commercial brand name, product, or corporate or company logo is appropriate based on one of the following specific findings:

(A) If text, the use of the commercial brand name, product, or corporate or company logo in the instructional materials is necessary for an educational purpose, as defined in the guidelines or frameworks adopted by the state board.

(B) If an illustration, the appearance of a commercial brand name, product, or corporate or company logo in an illustration in instructional materials is incidental to the general nature of the illustration.

(6) Meet other criteria as are established by the state board as being necessary to accomplish the intent of Section 7.5 of Article

1 IX of the California Constitution and of Section 1 of Chapter 1181
2 of the Statutes of 1989, provided that the criteria are approved by
3 resolution at the time the resolution adopting the framework for
4 the current adoption is approved, or at least 12 months before the
5 date that the materials are to be approved for adoption.

6 (d) If basic instructional materials are rejected, the state board
7 shall provide a specific, written explanation of the reasons why
8 the submitted materials were not adopted, based on one or more
9 of the criteria established under subdivision (c). In providing this
10 explanation, the state board may use, in whole or in part, materials
11 written by the Superintendent or any other advisers to the state
12 board.

13 (e) The state board may adopt fewer than five basic instructional
14 materials in each subject area for each grade level if either of the
15 following occurs:

16 (1) Fewer than five basic instructional materials are submitted.

17 (2) The state board specifically finds that fewer than five basic
18 instructional materials meet the criteria prescribed by paragraphs
19 (1) to (5), inclusive, of subdivision (c), or the materials fail to meet
20 the state board's adopted curriculum framework. If the state board
21 adopts fewer than five basic instructional materials in any subject
22 for any grade level, the state board shall conduct a review of the
23 degree to which the criteria and procedures used to evaluate the
24 submitted materials for that adoption were consistent with the state
25 board's adopted curriculum framework.

26 (f) This section does not limit the authority of the state board
27 to adopt materials that are not basic instructional materials.

28 (g) Consistent with the quality criteria for the state board's
29 adopted curriculum framework, the state board shall prescribe
30 procedures to provide the most open and flexible materials
31 submission system and ensure that the adopted materials in each
32 subject, taken as a whole, provide for the educational needs of the
33 diverse pupil populations in the public schools, provide collections
34 of instructional materials that illustrate diverse points of view,
35 represent cultural pluralism, and provide a broad spectrum of
36 knowledge, information, and technology-based materials to meet
37 the goals of the program and the needs of pupils.

38 (h) Upon making an adoption, the state board shall make
39 available to listed publishers and manufacturers and all school
40 interests a listing of instructional materials, including the most

1 current unit cost of those materials as computed pursuant to existing
2 law. Items placed upon lists shall remain ~~thereon~~, *on the lists*, and
3 be available for procurement through the state's systems of
4 financing, from the date of the adoption of the item and until a
5 date established by the state board. The date established by the
6 state board for continuing items on that list shall be the date on
7 which the state board adopts instructional materials based on a
8 new or revised curriculum framework. Lists of adopted
9 instructional materials shall be made available by subject and grade
10 level to school districts and posted on the department's Internet
11 Web site, and shall include information from the reports of findings
12 from the review committees pursuant to paragraph (4) of
13 subdivision (b). The lists shall terminate and shall no longer be
14 effective on the date prescribed by the state board pursuant to this
15 subdivision.

16 (i) The state board may approve multiple lists of instructional
17 materials, without designating a grade or subject, and the state
18 board may designate more than one grade or subject whenever it
19 determines that a single subject designation or a single grade
20 designation would not promote the maximum efficiency of pupil
21 learning. Any materials so designated may be placed on single
22 grade or single subject lists, or multigrade or interdisciplinary lists,
23 or may be placed on separate lists including other materials with
24 similar grade or subject designations.

25 (j) A composite listing in the format of an order form may be
26 used to meet the requirements of this section.

27 (k) The lists maintained pursuant to this section shall not be
28 deemed to control the use period by ~~any~~ a school district.

29 (l) The state board shall give publishers the opportunity to
30 modify instructional materials, in a manner provided for in
31 regulations adopted by the state board, if the state board finds that
32 the instructional materials do not comply with paragraph (5) of
33 subdivision (c).

34 (m) This section does not prohibit the publisher of instructional
35 materials from including whatever corporate name or logo on the
36 instructional materials that is necessary to provide basic
37 information about the publisher, to protect its copyright, or to
38 identify third-party sources of content.

39 (n) The state board may adopt regulations that provide for other
40 exceptions to this section, as determined by the state board.

1 (o) The Superintendent shall develop, and the state board shall
2 adopt, guidelines to implement this section.

3 SEC. 8. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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